
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

GITTI EL BEN,

Plaintiff,

v.

**CITY OF LAGUNA BEACH, LAGUNA
BEACH POLICE DEPARTMENT,
OFFICER GUILLERMO VARILLAS,
and SERGEANT ZACH FILLERS,**

Defendants.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 2:25-CV-3-DAK-CMR

Judge Dale A. Kimball

Magistrate Judge Cecilia M. Romero

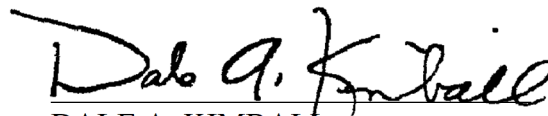
This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Cecilia M. Romero under 28 U.S.C. § 636(b)(1)(B). On July 2, 2025, Magistrate Judge Romero issued a Report and Recommendation [ECF No. 25], recommending that Defendants' Motion to Dismiss [ECF No. 20] be GRANTED and that this case be dismissed without prejudice for lack of personal jurisdiction over Defendants. The Report and Recommendation also recommended that the case not be transferred because the Complaint does not state a claim upon which relief can be granted and that Plaintiff's Motion for Injunctive Relief [ECF No. 7] and Amended Motion for Decision and Default [ECF No. 15] be denied as moot.

The Report and Recommendation notified Plaintiffs that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. As of the date of this Order, Plaintiff has not submitted an objection and the deadline for submitting an objection has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Romero's recommendations. Plaintiff has not demonstrated that the court has personal jurisdiction over Defendants, there is no basis for transferring the case because the Complaint fails to state a claim upon which relief can be granted, Plaintiff's motion for default is without merit, and his motion for injunctive relief is moot. Therefore, the court adopts and affirms Magistrate Judge Romero's Report and Recommendation in its entirety and dismisses the action without prejudice.

DATED this 28th day of July 2025.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written in a larger, more prominent script, followed by "A." and "Kimball". The signature is positioned above the printed name and title.

DALE A. KIMBALL
United States District Judge